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Attorneys for Plaintiffs,
EDEN BEAUTY CONCEPTS, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 CV 1182 L WMc

Civil Case No. _____

BY FAX

EDEN BEAUTY CONCEPTS, INC.,
a California Corporation,

Plaintiff,

v.

CALVIN KLEIN COSMETICS
COMPANY,
a Delaware Corporation, and

WILLIN, LLC,
a Nevada Limited Liability Company;
and Does 1-10 Inclusive,

Defendants.

PLAINTIFF EDEN BEAUTY
CONCEPTS, INC.'S COMPLAINT FOR
TRADEMARK INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Eden Beauty Concepts, Inc., by and through its counsel, alleges as and for its
Complaint against Defendant Calvin Klein Cosmetics Co. as follows:

NATURE OF THE ACTION

1. This is an action for unfair competition under state and federal law and trademark
infringement pursuant to 15 U.S.C. §§ 1114 & 1125 that Defendant's use of a "Euphoria" mark
infringes upon United States Trademark Registration No. 3,015,048, owned by Eden Beauty Concepts,

PLAINTIFF EDEN BEAUTY CONCEPT, INC.'S
COMPLAINT FOR TRADEMARK INFRINGEMENT

ORIGINAL

1 Inc., and registered in International Class 003, in conjunction with hair care and skin care products.

2 **THE PARTIES**

3 2. Plaintiff EDEN BEAUTY CONCEPTS, INC. (hereinafter referred to as "EDEN"), is a
4 corporation, organized and existing under the laws of the State of California, and having a place of
5 business at 2885 Loker Avenue East, Carlsbad, CA 92008.

6 3. On information and belief Defendant CALVIN KLEIN COSMETICS COMPANY
7 (hereinafter referred to as "CALVIN KLEIN"), is a corporation that is incorporated under the laws of
8 the State of Delaware, with its principal place of business in the State of New York. Defendant is
9 registered to do business in the State of California and has a registered agent for service of process in
10 the State of California. Service of process on Calvin Klein may be made according to the laws of the
11 State of California at this address: CT Corporation System, 818 W. 7th Street Los Angeles, CA 90017.

12 4. On information and belief Defendant WILLIN, LLC (hereinafter referred to as
13 "WILLIN,") (collectively referred to with Calvin Klein as "DEFENDANTS"), is a Nevada limited
14 liability company with a principal place of business in Nevada, and who does business in the State of
15 California. Service of process on Willin may be made on the registered agent, Stacy M. Rocheleau,
16 Esq., 400 N Stephanie St., Suite 260, Henderson, NV 89014.

17 **JURISDICTION AND VENUE**

18 5. This Court has subject matter jurisdiction over this lawsuit under 28 U.S.C. §1338
19 because the suit arises under the trademark laws of the United States, including 15 U.S.C. §§ 1114 &
20 1125, and pendent jurisdiction of any and all state causes of action under 28 U.S.C. § 1367.

21 6. This Court has personal jurisdiction over Defendants because, on information and belief,
22 Defendants transact business in the Southern District of California. Further, on information and belief,
23 Defendants direct business activities toward California through advertisements, promotions, and sales.

24 7. Venue is proper in this district under 28 U.S.C. §1391(b)(2)&(c) because a substantial
25 part of the events or omissions giving rise to this claim for trademark infringement occurred in this
26 District.

27 **FACTS**

28 8. On or about August 15, 1995, Eden began using the trademark "Eufora" in conjunction

1 with the hair care and skin care products that it develops, manufactures and sells. Eden filed for a
2 federal trademark application for "Eufora" on or about December 1996. Thereafter, on or about
3 December 23, 1997, U.S. Registration No. 2,123,600 was issued to Eden for International Class 003, in
4 association with "hair care products, namely, shampoos, conditioners, styling gels and hair sprays; and
5 skin care products, namely, bath salts, body lotion and body oils."

6 9. On or about October 15, 2004, Eden filed for another federal registration of the mark
7 "Eufora" in conjunction with International Class 003, in association with "[h]air care products, namely,
8 shampoos, conditioners, styling gels and hair sprays – and skin care products, namely, bath salts, body
9 lotions and body oils."

10 10. On or about March 14, 2006, U.S. Registration Number: 3,067,693 issued to Eden and
11 the mark was listed on the principal register. (See Exhibit 1).

12 11. Since August 15, 1995, when Eden began using the mark "Eufora," Eden has made
13 continuous use of the mark in conjunction with its hair care and skin care products as identified in its
14 federal registration.

15 12. On information and belief, some years after Eden adopted use of the mark "Eufora,"
16 Calvin Klein began using the mark "Euphoria," but only in conjunction with perfumes and colognes in
17 the United States.

18 13. On information and belief, Calvin Klein initially only used the mark "Euphoria" to
19 promote a line of colognes and perfumes. However, since Calvin Klein's initial use of the mark in
20 conjunction with colognes and perfumes, on information and belief, Calvin Klein has recently
21 expanded the product lines offered under the "Euphoria" mark into product lines for which Eden had
22 previously registered and made use of the mark "Eufora." On information and belief, this includes
23 shampoos, bath and body gels, shower creams and gels, body creams and skin lotions, among other
24 things. (See advertisements and photographs of representative products, attached herewith as Exhibit
25 2).

26 14. On information and belief, Willin filed the pending application no. 78/635,594 for
27 "Euphoria." This pending application, for "Euphoria," seeks registration in the following classes and in
28 association with the following products:

1 **International Class 003**, for "Make-up products for the face and body; non-medicated skin
2 care lotions; skin care products, namely, non-medicated skin serum, lotions and skin care
3 protectorants; personal hygiene products, namely, soaps and skin cleansing solutions, hair care
4 products, namely, shampoos and conditioners; nail care products, namely, nail polish, nail
polish remover; sun protection products, namely, sun-block preparations; perfumes; toilet water;
cologne, massage lotions, massage oils and aroma therapy oils;"

5 **International Class 041**, for "educational services in the nature of beauty schools; educational
6 services and schools, namely, conducting beauty schools, training, classes and seminars in the
fields of beauty, personal fitness, nail care, skin care and massage;" and;

7 **International Class 044**, for "salon services, namely, skin care salons, beauty salons, hair
8 salons featuring cutting, styling, washing and coloring, and massage salons; spa services
9 featuring facials, massages, make-up care services, and cosmetic body care services and
cosmetology services." (emphasis added).

10 15. On information and belief, Calvin Klein is a purported licensee of Willin.

11 16. Eden believes that Calvin Klein's new uses and attempted registrations of the term
12 "Euphoria," whether or not as Willin's licensee, assignee, or otherwise, are likely to cause confusion
13 among consumers as to the origins of Calvin Klein's, Willin's, and/or Eden's products and are
14 detrimental to the goodwill and value associated with Eden's "Eufora" brand.

15 17. The trademark "Eufora" is inherently distinctive, since it is an arbitrary and/or fanciful
16 mark, and neither serves as a name for the hair care and skin care products themselves nor describes
17 any quality, characteristic, or ingredient of hair care and skin care products.

18 18. Eden has used and promoted its "Eufora" mark in national print magazines, including
19 Elle® Magazine, as well as other print media, direct mailings, various on-line websites, retailers and
20 through salons across the country, and continues to do so. Representative copies of some of these
21 materials are attached herewith as Exhibit 3. As a result of extensive use and promotion of this mark,
22 Eden's famous "Eufora" mark has acquired a favorable reputation to consumers as an identifier and
23 symbol of Eden and its products, services, and goodwill. Accordingly, the "Eufora" mark is strong and
24 is entitled to broad protection.

25 19. Eden continues to invest substantial sums in promoting its products and services offered
26 under the "Eufora" mark.

27 20. Despite the limitless other marks that Defendants could have chosen, they wrongfully
28 appropriated a mark nearly identical to Eden's "Eufora" mark, without Eden's permission.

21. On information and belief, to the extent Defendants have any rights to any marks registered in Willin's name, or either of Defendants' names individually or together, Defendants have failed to properly utilize the registered marks.

22. Defendants' wrongful activities are believed to be willful since Defendants chose a trademark nearly identical in sight and sound to Eden's "Eufora" mark, even though the most rudimentary trademark search would have revealed Eden's previous federal registrations for the nearly identical mark for identical types of products. On information and belief, Defendants have acted knowingly, and in concert, to infringe on the rights of Eden.

CLAIMS FOR RELIEF

Count 1

(Trademark Infringement Under the Lanham Act)

23. Eden repeats and incorporates by reference the statements and allegations in paragraphs 1 to 22 of the Complaint as though fully set forth herein.

24. Defendants' unauthorized use of "Euphoria" as a mark falsely indicates to consumers that Defendants' hair care and skin care products originate from, are approved by, are sponsored by, are licensed by, or are affiliated with Eden or are otherwise associated with Eden's hair care and skin care products.

25. Defendants' unauthorized use of "Euphoria" in the manner described above is likely to cause confusion, to cause mistake, or to deceive customers and potential customers of the parties by suggesting some affiliation, connection, or association of Defendants with Eden.

26. Defendants' actions, as set forth above, constitute trademark infringement and contributory infringement in violation of the Lanham Act, 15 U.S.C. §1114(1).

Count 2

(Unfair Competition Under the Lanham Act)

27. Eden repeats and incorporates by reference the statements and allegations in paragraphs 1 to 26 of the Complaint as though fully set forth herein.

28. Defendants' actions, as set forth above, constitute unfair competition in violation of the Lanham Act, 15 U.S.C. §1125(a), including but not limited to, dilution by blurring and/or tarnishment.

Count 3

(Unfair Competition - California Common Law)

29. Eden repeats and incorporates by reference the statements and allegations in paragraphs 1 to 28 of the Complaint as though fully set forth herein.

30. Defendants' acts, as set forth above, constitute unfair competition under the common law of the State of California, including but not limited to, dilution by blurring and/or tarnishment.

Count 4

(Unfair Competition - California Business and Professions Code)

31. Eden repeats and incorporates by reference the statements and allegations in paragraphs 1 to 30 of the Complaint as though fully set forth herein.

32. Defendants' acts, as set forth above, constitute unfair competition as defined in California Business and Professions Code §§17200-17210.

Count 5

(Dilution – California Business and Professions Code)

33. Eden repeats and incorporates by reference the statements and allegations in paragraphs 1 to 32 of the Complaint as though fully set forth herein.

34. Defendants' acts, as set forth above, constitute dilution under California Business and Professions Code section §§14330-14335.

Count 6

(Request for Preliminary Injunction)

35. Eden repeats and incorporates by reference the statements and allegations in paragraphs 1 to 34 of the Complaint as though fully set forth herein.

36. Eden seeks to enjoin Defendants and their agents and representatives from using the mark "Euphoria," "Eufora," or any other confusingly similar designation, in connection with Defendants' commercial hair care and skin care products during this action, because this activity infringes Eden's trademarked U.S. Registration No. 3,067,693. *See* 15 U.S.C. §1116.

37. There is a substantial likelihood that Eden will prevail on the merits. The "Euphoria" mark adopted by Defendants after Eden registered the mark "Eufora" on the principal register in

1 International Class 003 is confusingly similar and will falsely indicate an association, approval, or
2 adoption of Defendants' products by Eden.

3 38. If the court does not grant a preliminary injunction, Defendants will continue their
4 activities that infringe Eden's trademark.

5 39. Eden will suffer irreparable injury if the court does not enjoin Defendants from using the
6 unregistered mark "Euphoria" because Eden's mark will suffer from dilution or generic use.

7 40. Defendants will not suffer undue hardship or loss as a result of the issuance of a
8 preliminary injunction.

9 41. Issuance of a preliminary injunction would not adversely affect the public interest. In
10 fact, the public will be benefited by not being confused as to any possible association between Eden
11 and Defendants' allegedly infringing mark and products.

12 42. Eden asks this Court to set this request for preliminary injunction for hearing at the
13 earliest possible time and, after hearing the request, issue a preliminary injunction against defendant.

14 DAMAGES

15 43. Eden repeats and incorporates by reference the statements and allegations in paragraphs
16 1 to 42 of the Complaint as though fully set forth herein.

17 44. As a direct and proximate result of Defendants' conduct, Eden suffered the following
18 damages:

19 A. Actual damages.

20 B. Enhanced damages for willful infringement.

21 45. Defendants appreciated that their unauthorized use of a mark confusingly similar to
22 Eden's registered mark would result in an undue benefit to Defendants.

23 46. Defendants' unauthorized and confusingly similar use of the "Euphoria" mark unjustly
24 enriches Defendants at the expense of Eden's reputation and goodwill.

25 ATTORNEY FEES

26 47. Eden repeats and incorporates by reference the statements and allegations in paragraphs
27 1 to 46 of the Complaint as though fully set forth herein.

28 48. This is an exceptional case, and Eden is entitled to an award of attorney fees under 15

1 U.S.C. §1117(a).

2 **PRAYER FOR RELIEF**

3 49. WHEREFORE, Eden asks that this Court grant judgment against Defendants for the
4 following:

5 A. Defendants, their officers, agents, servants, employees, and attorneys, and all
6 persons in active concert or participation with any of them, be preliminarily and permanently
7 enjoined from the following:

8 i. Using the designation "Euphoria," "Eufora," or any other confusingly
9 similar designation, in connection with the promotion, advertising, or offering of hair
10 care and skin care products.

11 ii. Competing unfairly with Eden in any manner, including unlawfully
12 adopting or infringing on Eden's "Eufora" mark or adopting or using any other marks or
13 designations, such as "Euphoria" that are confusingly similar to Eden's "Eufora" mark.

14 iii. Conspiring with, aiding, assisting, or abetting any other person or entity
15 in engaging in or performing any of the activities referred to in subparagraphs (1) and
16 (2) above.

17 B. Defendants, their officers, agents, servants, employees, and attorneys, and all
18 persons in active concert or participation with any of them, deliver for destruction, or show
19 proof of destruction of, any and all products, labels, signs, prints, packages, wrappers,
20 receptacles, and advertisements, and any other materials in their possession or control that
21 depict or reference the designation "Eufora," "Euphoria," or any other confusingly or
22 substantially similar mark, and any materials or articles used for making or reproducing the
23 same, as provided by 15 U.S.C. §1118.

24 C. Defendants file with the court and serve on Eden, within 30 days after the entry
25 and service on Defendants of an injunction, a report in writing and under oath setting forth in
26 detail the manner and form in which Defendants have complied with the provisions of
27 subparagraphs (a) and (b) above.

28 D. Eden recover all damages it has sustained as a result of Defendants' infringement

1 and unfair competition.

2 E. Eden be awarded treble damages under 15 U.S.C. §1117(b).

3 F. An accounting be directed to determine Defendants' profits resulting from its
4 infringement and unfair competition and that the profits be paid over to Eden, increased as the
5 court determines is appropriate to the circumstances of this case.

6 G. The court declare this case an exceptional case and award Eden its reasonable
7 attorney fees for prosecuting this action under 15 U.S.C. §1117(a).

8 H. Under 15 U.S.C. §1119, the court order the United States Patent and Trademark
9 Office to refuse to register U.S. Trademark Application No. 78/635,594 for "Euphoria."

10 I. Eden recover its costs of this action and pre-judgment and post-judgment
11 interest.

12 J. Eden receive all other relief the court deems appropriate.

13
14 **DEMAND FOR JURY TRIAL**

15 Eden hereby demands a trial by the jury on its claims herein.

16
17
18 Respectfully submitted,

19 MANDOUR & ASSOCIATES

20 Dated: July 2, 2008

21
22 _____
Joseph A. Mandour, III

23 Attorneys for Plaintiffs,
24 EDEN BEAUTY CONCEPTS, INC.

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p.2

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22 
23 Joseph A. Mandour, III

24 Attorneys for Plaintiffs,
25 EDEN BEAUTY CONCEPTS, INC.
26
27
28

Exhibit Table of Contents

EXHIBIT 1 – U.S. Trademark Registration No. 3,067,693	Pages: 1
EXHIBIT 2 – Calvin Klein Cosmetics Co. “Euphoria” Brand Products	Pages: 8
EXHIBIT 3 – “Eufora” Brand Advertisements	Pages: 7

EXHIBIT 1

EXHIBIT 1

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 3,067,693

United States Patent and Trademark Office

Registered Mar. 14, 2006

**TRADEMARK
PRINCIPAL REGISTER**

eufora

EDEN BEAUTY CONCEPTS INC. (CALIFORNIA
CORPORATION)
2885 LOKER AVENUE EAST
CARLSBAD, CA 92008

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: HAIR CARE PRODUCTS, NAMELY, SHAM-
POOS, CONDITIONERS, STYLING GELS AND
HAIR SPRAYS- AND SKIN CARE PRODUCTS
NAMELY, BATH SALTS, BODY LOTION AND
BODY OILS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51
AND 52).

OWNER OF U.S. REG. NO. 2,123,600.

SER. NO. 78-500,347, FILED 10-15-2004.

FIRST USE 8-15-1995; IN COMMERCE 8-15-1995.

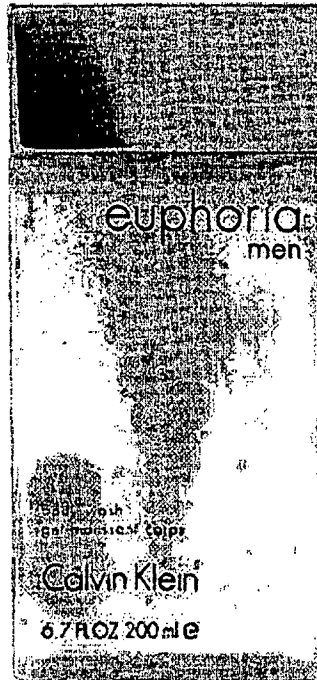
INGRID C. EULIN, EXAMINING ATTORNEY

EXHIBIT 2

Calvin Klein Euphoria for Men Body Wash, 6.7 oz

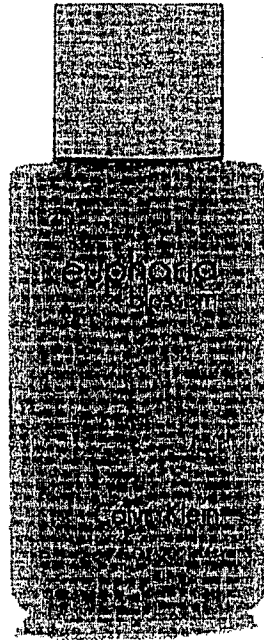


Euphoria for Men Body Wash



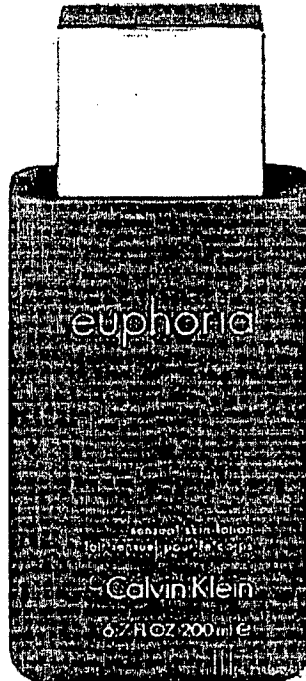
Euphoria Blossom Body Lotion by Calvin Klein

Description: This perfumed body lotion features the fresh floral essences of Euphoria Blossom.
See More Details

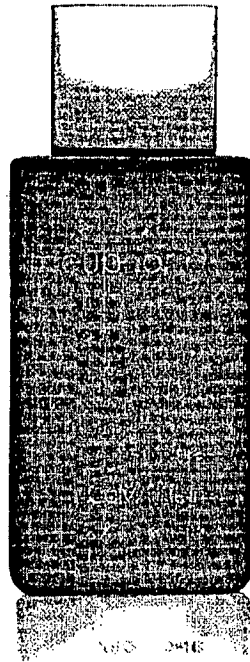


Euphoria Sensual Skin Lotion by Calvin Klein

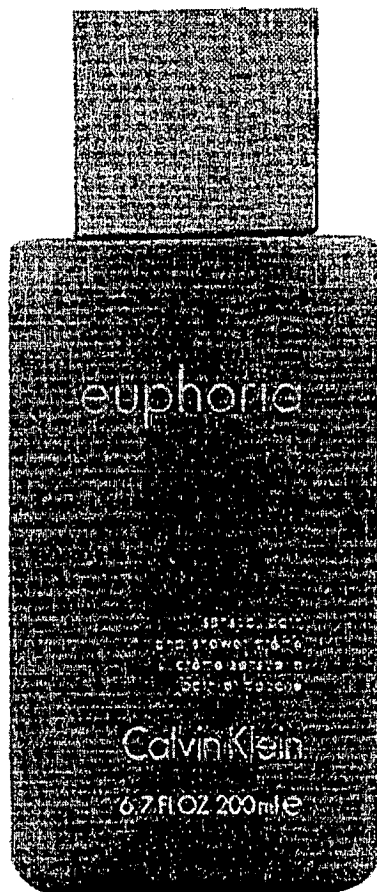
Description: This sensual skin lotion is perfumed with the lush floral essences of Euphoria by Calvin Klein.



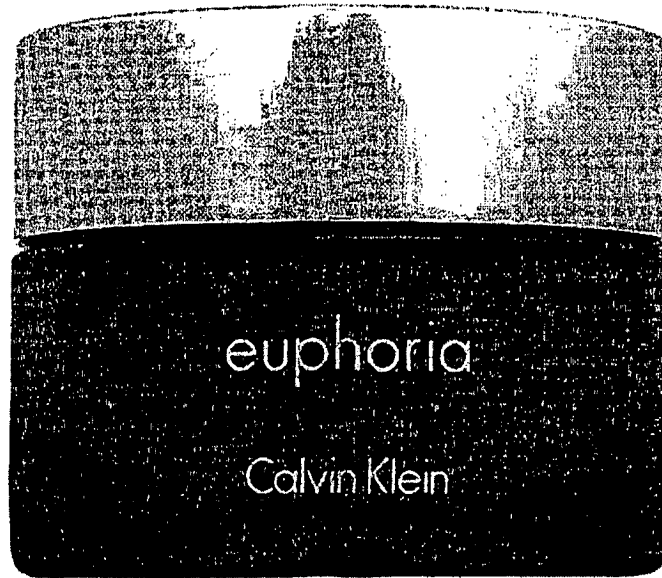
Euphoria by Calvin Klein Bath & Shower Cream, 6.7 oz



Euphoria By Calvin Klein For Women. Shower Creme 6.7 OZ



Euphoria Luminous Body Cream



11/1/08

Euphoria by Calvin Klein for Men, 6.7 oz Shower Gel / Body Wash

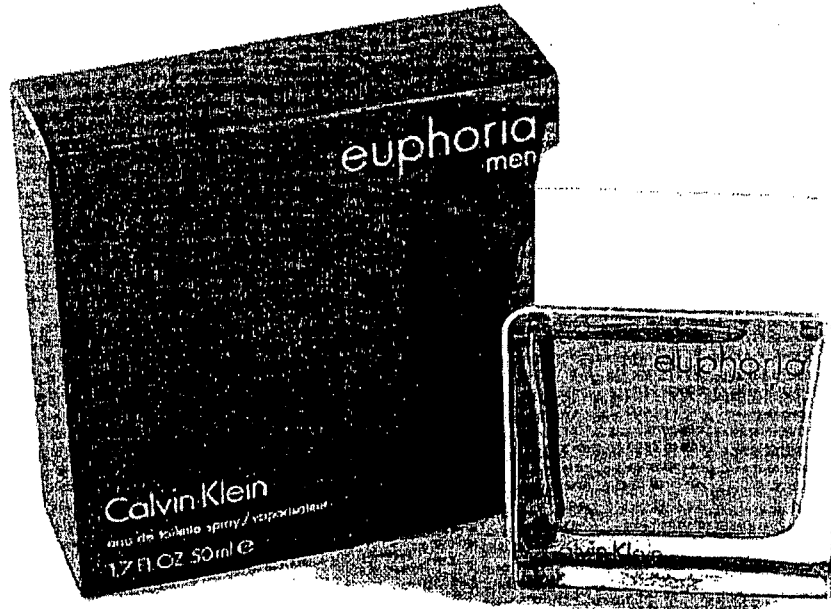


EXHIBIT 2
PAGE 8 OF 8

EXHIBIT 3

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BEAUTY SPOTLIGHT

- RUNWAY
 - FASHION
 - SHOPPING
 - BEAUTY
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 - New Spring Fragrances
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 - 8 Step Complexion
 - Classic Bangs
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 - More Beauty Report
 - Vote For Top 5
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 - Beauty Video
 - Beauty Forum
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PREVIOUS: ELLE and Eufora Shampoo Contest NEXT:

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ENTER TO WIN A \$1,000 PRIZE PACKAGE
AND THE CHANCE TO NAME A NEW SHAMPOO

ELLE and Eufora hair care are developing a new all-natural clarifying shampoo, and we need your help deciding what to call it! Come up with the perfect name, and you'll not only see your idea printed on thousands of bottles (launching in May), but Eufora will donate \$500 to the environmental charity of your choice and give you a Eufora product gift basket worth \$500.

Entries may be no longer than 18 characters, including spaces, and should make clear that this is a natural way to remove mineral build-up from hair. The formula contains an aloe vera base and will be enriched with antioxidants. Current Eufora products include Daily Balance Conditioner, Pure Cleanse Shampoo, and Illuminate Shine Mist. All entries are due by February 1st, 2008. One entry per day allowed.

Enter Your Perfect Shampoo Name Here

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Last Name

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Item Title



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[EUFORA MOISTURE SOLUTION INTENSE CONDITIONER 32 OZ](#)
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EXHIBIT 3
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JOICO HAIR CARE (5)
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MAKE-UP
BRUSHES (7)
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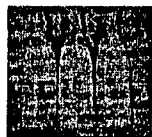
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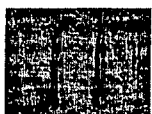
Item Title



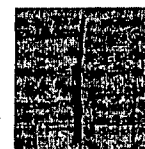
EUFORA ALOE THERAPY HYDRATING SHAMPOO LOT 3
1/8.45 OZ **P**
US \$44.99
Buy It Now



EUFORA SMOOTH'N STRAIGHTENING BALM LOT 3 / 5.1 OZ EACH **P**
US \$38.39
Buy It Now
US \$47.99 20% Off



EUFORA BODY BLENDS FACE & BODY MOISTURIZER LOT 3 / 6 OZ **P**
US \$37.59
Buy It Now
US \$46.99 20% Off



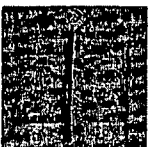
EUFORA HYDRATION LEAVE IN CONDITIONER LOT 2 / 6 OZ EA **P**
US \$36.99
Buy It Now



EUFORA HYDRATION & URGENT REPAIR CONDITIONER 1 OF EACH **P**
US \$36.99
Buy It Now



EUFORA FIXATION STYLING WAX LOT 3 / 1.5 OZ EACH **P**
US \$35.99
Buy It Now
US \$44.99 20% Off



EUFORA URGENT REPAIR CONDITIONER REFILL LOT 2
4.75 OZ **P**
US \$34.99
Buy It Now



EUFORA PURE CLEANSE THERAPEUTIC SHAMPOO LOT 2
1/8.45 OZ **P**
US \$31.99
Buy It Now



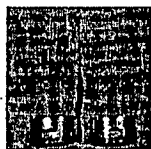
EUFORA VOLUMEFUSION VOLUMIZING SPRAY 2 / 8.45 OZ **P**
US \$31.99
Buy It Now
US \$39.99 20% Off



EUFORA pureTech CONDITIONING ADDITIVE CONDITIONER **P**
US \$28.99
Buy It Now

EXHIBIT 3
PAGE 3 OF 7

Item Title



EUFORA
SMOOTH'N
STRAIGHTENING
BALM LOT 2 / 5.1
OZ EACH
US \$25.59
Buy It Now
~~US \$31.99~~ 20%
Off



EUFORA BODY
BLENDS FACE &
BODY
MOISTURIZER
LOT 2 / 6 OZ
US \$25.59
Buy It Now
~~US \$31.99~~ 20%
Off



EUFORA firmMist
FINISHING
SPRAY LOT OF 2
- 8.45 OZ
US \$23.99
Buy It Now
~~US \$29.99~~ 20%
Off



EUFORA FINAL
SCENE LIGHT
FINISHING
SPRAY 2 / 8.45
OZ
US \$22.39
Buy It Now
~~US \$27.99~~ 20%
Off

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[Home > shop by brand > Eufora Hair > Eufora Shampoo & Conditioner](#)

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Eufora Shampoo & Conditioner

Eufora hair shampoo and conditioners contains nature's best kept secret – Aloe Vera Gel. Using this plant, along with aromatherapy oils, Eufora has been able to create specific shampoos for thin, fine hair to dry, curly hair.

Eufora Hydrating Shampoo
zero-weight moisturizing cleanser for all hair types


Eufora Volumizing Shampoo
bodifying cleanser for fine, thin, or lifeless hair.

Eufora Moisture Cleanse Shampoo
for dry, damaged, coarse, or curly hair








Get Your FREE Request

Receive advance notification of sales, new arrivals and more!



- Eufora Pure Cleanse Therapeutic Shampoo**
gentle cleanser for sensitive skin and scalp
- Eufora Moisture Solution Conditioner**
for dry, coarse, damaged, or chemically-treated hair
- Eufora Daily Balance Conditioner**
for thin, fine, or normal hair
- Eufora Urgent Repair - Replenishing Treatment**
- Eufora Hydration Leave-In Conditioner**
moisture and sun protection for all hair types
- Eufora Fortifi Strengthening Spray**
for chemically-treated or damaged hair
- Eufora pure Tech Professional Treatment**

 <p>Therapy Price: \$8.99</p> <p>Buy Now</p>	 <p>Sebastian Shaper Hairspray - Brushable Styling Price: \$4.99</p> <p>Buy Now</p>	 <p>Nexxus VitaTress Biotin Scalp-Creme Price: \$9.79</p> <p>Buy Now</p>	 <p>Joico K-Pak Deep Penetrating Reconstructor Price: \$14.99</p> <p>Buy Now</p>
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<http://www.sleekhair.com/haircare-eufora-hair-eufora-shampoo---conditioner.html>

SleekHair.com is the premier source for discount professional skin and hair products with top brands such as Murad, Paul Mitchell, Redken, Farouk Biosilk Chi, Abba Hair, Schwarzkopf, Goldwell, Graham Webb, Hempz, Kms California, Joico, Iso Hair, Pureology, Rusk, Sebastian, Nioxin, Matrix and much more!

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EXHIBIT 3
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Eufora Shampoo & Conditioner - Eufora Hair

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

152587 - TC

**July 02, 2008
16:06:29**

Civ Fil Non-Pris

USAO #: 08CV1182

Judge.: M. JAMES LORENZ

Amount.: \$350.00 CK

Check#: BC218298

Total-> \$350.00

FROM: EDEN BEAUTY CONCEPTS

VS.

CALVIN KLEIN COSMETICS AT AL.

Jul 02 2008 2:12PM

OFFICES

858-7879390

p. 1

BY FAX

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Eden Beauty Concepts, Inc.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mandour & Associates, 16780 W. Bernardo Dr., Suite 400, San Diego, CA 92127; Tel: 858.487.9300

DEFENDANTS

Calvin Klein Cosmetics, Co., and Willin, LLC, and Does 1-10
Inclusive

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'08 CV 1182 L WMC

DEPUTY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

- | | | | | | |
|---|--|---|--|--|--|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 363 Personal Injury - Product Liability | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employees' Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 470 Racketeer Influence and Criminal Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 383 Property Damage Product Liability | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 353 Motor Vehicle Product Liability | | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 863 D/WC/DI/WV (405(a)) | <input type="checkbox"/> 490 Cable/Sat. TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 190 Other Contract | | | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 865 RSI (405(a)) | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| <input type="checkbox"/> 195 Contract Product Liability | | | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 |
| <input type="checkbox"/> 196 Franchise | | | <input type="checkbox"/> 740 Railway Labor Act | | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 530 General | <input type="checkbox"/> 791 Empl. Ret. Ins. Security Act | <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609 | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | | | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 482 Naturalization Application | | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 483 Habeas Corpus - Alien Detainee | | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 485 Other Immigration Actions | | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| | | | | | <input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC Sec. 1114 & 1125

Brief description of cause:
Infringement of a federally registered trademark.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/02/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

152587

AMOUNT

\$350

APPLYING IFP

JUDGE

MAO JUDGE

AC 7/2/08

ORIGINAL